

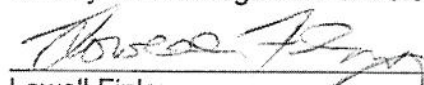


**DEBRA BOWEN** | SECRETARY OF STATE | STATE OF CALIFORNIA  
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December 20, 2007

To: County Clerks/Registrars of Voters (07270)

From:

  
Lowell Finley

Deputy Secretary of State, Voting Systems Technology & Policy

Subject: **Election Observer Panel Plan - February 5, 2008, Presidential Primary Election**

This is a follow-up to Wednesday's conference call where the Secretary discussed the need for counties to submit their Election Observer Panel Plan to this office prior to each election.

This requirement is one of the conditions placed on voting systems certified for use in California and is unchanged from the requirement counties were informed of prior to the election in 2005 and 2006.

Attached to this memo, is an Election Observer Panel Plan template for your use in preparing your plans for the February 5, 2008, Presidential Primary Election.

As the Secretary noted during the call, she'd like to begin posting the county submissions on the official [www.sos.ca.gov](http://www.sos.ca.gov) web site as soon as possible. The goal is to begin posting them by the second week of January, so we hope you can provide your Election Observer Panel Plans to the Secretary of State by Friday, January 4, 2008.

Submissions should be mailed to:

Ryan Macias  
Office of the Secretary of State  
Office of Voting System Technology Assessment  
1500 11<sup>th</sup> Street, 6<sup>th</sup> Floor  
Sacramento, CA 95814

Please contact Ryan Macias or Jason Heyes at (916) 653-7244 if you have any questions about these plans.

**Sonoma County  
Election Observer Panel Plan  
February 5, 2008 Consolidated Presidential Primary Election**

**I. County and System Information**

- |   |   |
|---|---|
| 1. Name of County:                          | Sonoma  |
| 2. Name of Contact:                         | Gloria D. Colter, Asst. Registrar of Voters                   |
| 3. Contact's Phone:                         | 707-565-6814; 707-293-0896 (cell)                             |
| 4. Vendor/Voting Systems<br>Used by County: | DFM – EIMS/BC-Win; Mark-A-Vote;<br>Hart Intercivic DAU eSlate |
| 5. Date:                                    | January 4, 2008   |

**II. Purpose**

In Sonoma County, the Election Observer Panel and Logic and Accuracy Board are combined into a single panel serving both functions. Pursuant to Sections 7.2 (Election Observer Panel) and 7.3 (Logic and Accuracy Certification) of the Procedures for Use of the Mark-a-Vote Voting System (as approved by the Voting Systems Panel January 15, 2004, and adopted by the Secretary of State), the purpose of the Election Observer Panel is to observe all critical procedures of the vote tallying process. The purpose of the Logic and Accuracy Certification Panel is to verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.

**III. Invite**

At roughly E-60, requests for appointment are sent either by letter or by e-mail to the following:

- County Grand Jury.
- County Information Systems Department.
- Representatives from affected agencies.
- Other groups or individuals who have expressed an interest in observing the vote tallying process.

**IV. Duties, General Rules of Conduct**

Panelists are responsible for:

- The duties set forth below:
  - Receive from the elections official all required test materials.
  - Take steps to ensure the security of the said materials before, during and subsequent to the election, except when in the possession of the elections official.
  - Observe the performance of all required tests.
  - Verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.
  - Note any discrepancies and problems and affirm their resolution or correction.
  - Certify to the performance of each of the above prescribed duties.



- Sign the appropriate certificates.
- Wearing an identification badge.
- Maintaining a professional manner while observing the election processes.

Panelists may:

- Make notes and watch all procedures.
- View all activities at the central counting site.
- View the canvass of the vote activities following the election.
- View absentee and provisional ballot processing.
- Ask questions of supervisors at the central counting site.

Panelists may not:

- Interfere in any way with the conduct of the election.
- Touch any voting materials or equipment or sit at the official worktables.

## **V. Orientation and Pre-Election, Pre-Tabulation and Post-Election Test Observation and Verification**

Election Observer/Logic and Accuracy Panel (hereafter Panel) meets at the Registrar of Voters Office ten days prior to the election for an orientation and to observe and verify the Pre-Election Logic and Accuracy Tests. This meeting provides members with an opportunity to ask questions about the entire election process and gives them an overview of the ballot tabulation process. Panelists have access to all areas of ballot processing and tabulation (during the testing and on Election Night).

The Panel reconvenes on Election Day at roughly 2:00 p.m. to observe and verify the Pre-Tabulation Logic and Accuracy Tests (run prior to the running of absentee ballots). Panelists have the option of remaining at the Registrar's Office from this time or may leave providing they return to the Registrar's Office no later than 8:00 p.m. The Panel remains at the Registrar's Office throughout the evening (and sometimes the following morning, if need be) observing all aspects of the vote tallying process. The Panel observes and verifies the Post-Election Logic and Accuracy Tests (run after all ballots have been tabulated on Election Night).

The Panel is required to return to observe and verify the Logic and Accuracy Tests both before and after the running of ballots during the Official Canvass. Panelists may observe any processes during the Official Canvass. To the extent possible, the Panel is comprised of the same members at all testing opportunities.

## **VI. Mechanism for Feedback**

Panelists are provided a form for providing feedback concerning the ballot tabulation process and any other aspects of the administration of the election.

## **Logic/Accuracy and Observer Panel**

### **Mark-A-Vote Testing Procedures**

(Excerpts from Mark-A-Vote Voting System Procedures)

#### **2.4. LOGIC AND ACCURACY BOARD**

Establish a Logic and Accuracy Board pursuant to §7.3 to complete certification of testing and send certification to the Secretary of State, as required by the Procedures for Certification as adopted by the Secretary of State. A copy of a sample certificate is attached to these procedures as Appendix A.

#### **7.3. LOGIC AND ACCURACY CERTIFICATION**

A Logic and Accuracy Board shall be appointed by the elections official and, insofar as is practicable, shall be comprised of the same persons before, during, and after the election. The Board shall have the following duties:

7.3.1. Receive from the elections official all required test materials and take steps to ensure the security of the said materials before, during and subsequent to the election, except when said materials are properly in the possession of one of the other boards or elections official as required by these procedures.

7.3.2. Observe the performance of all required tests and verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.

7.3.3. Note any discrepancies and problems and affirm their resolution or correction.

7.3.4. Certify to the performance of each of the above prescribed duties provided that all members of the Board shall sign the appropriate certificate or certificates. Final certification shall be made to the Secretary of State pursuant to law. This certification shall be made by the elections official based on the Logic and Accuracy Board's certification of successful testing. In the event an amendment to the ballot counting program is required following this certification, the Board must immediately recertify to the Secretary of State.

#### **1.2.12. Tests:**

**Accuracy Tests** – used to check hardware, especially card readers, and are probably the most frequent executed test.

**Logic Tests** – must be run every time before and after processing official ballots for an election. This test has predetermined totals for all contests on the ballot, with every candidate in a contest receiving a different number of votes than every other candidate in a contest. The output of this test is usually in the form of a summary bulletin and signed by the Logic and Accuracy Board before submission of programs and files to the Secretary of State as prescribed by law. Each time a Logic Test is produced a Logic and Accuracy Board member should check and sign the output.

**2.3.3. Accuracy Testing** - Consists of those processes and procedures necessary to ensure hardware to be used in the election is working properly as individual units and as a combined system. Emphasis is placed on verifying that ballot card readers can read every possible mark on the ballot card, and that individual components as well as the interface between them function as required. These tests shall be run before Logic testing in order to assist in isolating problems.



Accuracy tests are an integral part of equipment maintenance and may be run as necessary before each election to ensure proper functioning of hardware as well as ballot cards used in the counting process.

**Accuracy tests** – shall be performed before Logic and Accuracy Certification (including amendments and re-certifications, if necessary) to the Secretary of State and again within seventy-two hours before processing ballots on election day. The accuracy tests may be run more frequently and shall be run after equipment has been maintained. Any failure of the equipment to perform as expected shall be corrected before using that equipment for election processing.

In the event a processor, pre-processor, or card reader fails after official ballot processing has begun, accuracy test must be successfully run on the component after it has been repaired, replaced, or adjusted (in a manner deemed sufficient by the responsible elections official to require retesting for accuracy), provided the component is to be returned to service. Diagnostic tests of hardware on election night are permitted.

**Preparation of Accuracy Tests** - The responsible elections official shall cause the following accuracy test deck to be prepared and tested. Predetermined results of accuracy test must be made available for inspection and sign-off by the Logic and Accuracy Board.

**Reusable Test Deck** - A generic test deck which shall consist of 400 ballot cards marked as follows:

- 100 cards shall have card id positions 12-2-6 marked in the first column; and marked in the 1st, 5th, 9th, 13th, and each following fourth voting position to the end of the card.
- 100 cards shall have card id positions 11-3-7 in the first column, and marked in the 2nd, 6th, 10th, 14th, and each following fourth voting position to the end of the card.
- 100 cards shall have card id position 0-4-8 in the first column; and, marked in the 3rd, 7th, 11th, 15th, and each following fourth voting position to the end of the card.
- 100 cards shall have card id positions 1-5-9 in the first column, and marked in the 4th, 8th, 12th, 16th, and each following fourth voting position to the end of the card.

When this deck is processed, it will produce a report showing 100 votes per voting position and card id position and will verify the equipment's ability to read all vote positions and card id positions accurately.

This deck may be composed of special cards that indicate targets for all voting positions and all card id positions. Within 40 days before each election, the Reusable Test Deck shall be run at least twice through each card reader.

If ballots are to be counted at remote sites in addition to a centralized counting location, tests must include hardware used for transmission on the assigned phone lines.

**2.3.4. Logic Testing** - Consists of those processes and procedures necessary to ensure that tally programs and hardware correctly interpret, summarize and report voters' marks for a specific election. This is normally a series of tests using cards and/or disk files. Successful testing will demonstrate that each candidate and measure receives the proper

number of votes; the system reports the proper number of over and under votes; the system accepts only the proper ballot types and rejects improper ones; the inactive voting positions are not being tabulated.

Logic tests will be conducted using test materials below in such a manner as to meet these guidelines. All tests shall result in reporting that matches pre-determined results.

All reports and test materials must be retained as in §4.8.

**Preparation of Logic Test Materials** - The responsible elections official shall cause the following test materials to be prepared and tested:

**All Ballot Types** - A logic test file, in card form and disk file form if desired, will be prepared for all ballot types to be used in the election. Ballot cards used for logic testing must be marked "test."

Logic tests performed during system-proofing, for certification of Logic testing to the Secretary of State, and before production of official canvass results must be run using all ballot types for the election. Logic tests run immediately before and after ballots are counted during the semi-official canvass may include a sampling of ballot types, provided the sample includes all candidates and measures for the election; however the uses of all ballot types for this test is highly recommended.

Logic tests run during system proofing and before production of official canvass results may use ballot cards or disk file. However, logic tests for certification to the Secretary of State shall be run using ballot cards only.

**Logic Test Data** – The logic test data shall include:

**"Voted" Test Ballot Cards or Disk File Data** – A group of test ballots voted in such a way that each candidate for any office shall receive a predetermined number of votes, different from the number of votes received by every other candidate for the same office. Also, the "YES" and "NO" responses on any measure shall receive predetermined different numbers of votes. In the case of offices for which the voter is allowed more than one choice, at least one ballot of the group shall be voted the maximum allowed number of choices.

**"Over voted" Test Ballot Card or Disk File Data** – One test ballot shall be an "over voted" test ballot, on which every contested office and measure receives exactly one more vote than is allowed.

**"No Votes" Test Ballot Card or Disk File Data** – One test ballot called a "no votes" test ballot, which contains no marks other than those needed for precinct or ballot type identification. This test should result in under votes being cast for each contest in every occurrence in the test.

**Performance of Logic Test** - The logic test shall be completed and certified at least seven days before each election, or, in the case of a state election, prior to depositing the ballot counting program with the Secretary of State.

The predetermined results for balancing of election processing must be available for inspection and sign off by the Logic and Accuracy Board described in § 2.4. Such certification must be completed, certified, and received by the Secretary of State as prescribed by the voting systems guidelines as adopted by the Secretary of State. It must accompany official copies of the ballot tally programs and files.

The logic test shall also be run and the results balanced to the predetermined results immediately before and after any and all processing of official ballots including official



canvass updates.

Ballot tally program(s) and hardware must remain operative and unchanged from the time of the pre-ballot processing logic test, through ballot processing, and post ballot processing logic test. Any failure, such as a power failure, which affects the central processing unit (CPU), or requires the program to be reloaded, shall result in a new logic test.

The logic test ballots or disk file images shall be tabulated, using the logic test program or logic portion of the tally program(s). The resulting vote counts shall be compared in detail with the predetermined vote count. Any differences shall be resolved, and tests shall be performed as many times as may be necessary to achieve a vote count which is identical to the predetermined count. After balancing, the logic test ballots and documentation shall be sealed and locked in a facility with restricted access. Logs or records shall be maintained, recording each use of the test materials and by whom.

**Certification of Logic Test** - Logic test requirements apply to all elections; however, submission of the certification of logic testing to the Secretary of State is required only before state elections.

## **7.2. ELECTION OBSERVER PANEL**

All procedures prescribed herein shall be carried out in full view of the public insofar as feasible. In addition, the elections official shall devise a plan whereby all critical procedures of the vote tallying process are open to observation by an election observer panel as prescribed by law.